

Amendments to the Specification:

Please replace the paragraph beginning at page 11, line 27, with the following:

--FIGS. 10(A-B). Conserved *cis* Regulatory Elements in the SM α -actin 5' (FIG. 10A) and First Intron (FIG. 10B) Promoter Regions. Several important protein binding regions that have significant homology to known *cis* regulatory elements that bind AP1 and the GATA family of transcription factors were identified by DNase footprinting. This Figure also shows the mutated sequences for AP1-like (SEQ ID NO:28), GATA and CARGs A (SEQ ID NO:25), B (SEQ ID NO:22) and the intronic CARG (SEQ ID NO:30) which were prepared. The Figure further shows the homology that exists for the above sequences in humans (CArG B = SEQ ID NO:15; CArG A = SEQ ID NO:14; AP1-like = SEQ ID NO:19; Int CARG = SEQ ID NO:16; GATA = SEQ ID NO:20), rats (CArG B = SEQ ID NO:15; CArG A = SEQ ID NO:14; AP1-like = SEQ ID NO:26; Int CARG = SEQ ID NO:16; GATA = SEQ ID NO:31), mice (CArG B = SEQ ID NO:15; CArG A = SEQ ID NO:23; AP1-like = SEQ ID NO:26; Int CARG = SEQ ID NO:16; GATA = SEQ ID NO:31) and chickens (CArG B = SEQ ID NO:21; CArG A = SEQ ID NO:24; AP1-like = SEQ ID NO:27; Int CARG = SEQ ID NO:29; GATA = SEQ ID NO:32).--

Please replace the paragraph beginning at page 12, line 10, with the following:

--~~FIGS. 12(A-C).~~ FIGS. 12(A-D). Alignment of Human (SEQ ID NO:3), Rat (SEQ ID NO:4), Mouse (SEQ ID NO:5) and Chicken (SEQ ID NO:6) 5' Promoter Region from about -1,100 base pairs to the Start of Transcription. CARGs A and B are marked and boxed.--

Please replace the paragraph beginning at page 12, line 14, with the following:

--~~FIGS. 13(A-G).~~ FIGS. 13(A-J). Alignment of Human (SEQ ID NO:7), Rat (SEQ ID NO:8), Mouse (SEQ ID NO:9) and Chicken (SEQ ID NO:10) First Intron Sequence from about +47 through about +2775. The intronic CARG is marked and boxed.--

Please insert the accompanying paper copy of the Substitute Sequence Listing, page numbers 1 to 14, at the end of the application.